

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMARY SUIT NO.3924 Of 1998

Economy Refrigerations Pvt.Ltd. .. Plaintiffs
versus

Anil Shetty & Ors. Hotel Raj

Prakash Udipi Bhavan Bar & Rest. .. Defendant

...

Mr.Vidya Shankar Yadav for the plaintiff.

CORAM : D.G. KARNIK, J.

DATED : 30th March 2005.

P.C.:

1. Heard the learned counsel for the plaintiff.
None present for the defendant.

2. Perused the office report dated 29th march
2005. As per the said office report, summons has
been served on the defendant nos.1 to 4 in the year
2001. Yet, the defendants have not filed an
appearance. The plaintiff is therefore entitled to a
decree under Order 37 Rule 2(3) of the Code of Civil

Procedure.

3. The plaintiff has filed on record affidavit of service as well as original documents along with a list. The documents are taken on record and marked Exhibit-A collectively.

4. I have perused the plaint and the documents filed on record. The plaintiff sold supplied and delivered to the defendant goods (beer) and sent the invoices. The defendant received goods and signed the duplicate copies of the invoices along with the rubber stamp of a trading concern. As the defendant did not make the payment, the plaintiff sent notice. Office copy of the notice and returned envelope is also filed on record.

5. In the absence of appearance and any defence, the case of the plaintiff is believed and the suit of the plaintiff is decreed in terms of prayer clause of the plaint.

D.G. KARNIK, J